

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STUART PIVAR,

Plaintiff,

-against-

THE VAN GOGH MUSEUM,

Defendant.

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Civ A No. 1_21-cv-09362-LLS

AFFIRMATION IN OPPOSITION

MITCHELL CANTOR, an attorney duly admitted to practice law before the Courts of the State of New York and of this Court and aware of the penalties for perjury, makes this affirmation in opposition to defendant's motion to dismiss:

1. I reviewed the website of the Morgan Library and Museum, which is located at 225 Madison Avenue, New York, NY 10016 ("Morgan") in New York City in conjunction with the exhibition held at the Morgan from September 28, 2007 to January 6, 2008 entitled "Painted with Words" which on information and belief contained loans from the defendant.
2. The Morgan shop features at least three items for sale in New York which reproduce works of art by Van Gogh held in the permanent collection of the defendant. These three works include (a) an Old Vineyard and Landscape Bar, 1890; (b) Self Portrait with Straw Hat Bag, 1887, and (c) Van Gogh The Bedroom Mini Metal Tray
3. Both of the bags credit the defendant for the image reproduced thereupon as follows:
(a) Vincent van Gogh, Old Vineyard with Peasant Woman and Landscape with Houses, 1890 ® Van Gogh Museum © VGME B.V. and (b) Vincent (sic) van Gogh,

Self-Portrait with Straw Hat, 1887 © Van Gogh Museum © VGME B.V. The tray does not credit the defendant. Images of all three items from the Morgan shop website are annexed hereto as "Exhibit A".

Dated: New York, New York
February 1, 2022


MITCHELL CANTOR